

**REMARKS/ARGUMENTS**

The Office Action mailed January 3, 2006 has been reviewed and carefully considered. Claims 1-25 are pending in this application, with claims 1 and 19 being the only independent claims. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-18 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,389,288 (Kuwahara) in view of U.S. Patent No. 6,748,195 (Phillips) and U.S. Patent No. 6,865,384 (Sagi).

Claims 19-25 stand rejected under 35 U.S.C. §103 as unpatentable over Kuwahara in view of Sagi.

Each of the independent claims 1 and 19 was previously amended to recite that the current operating mode is made available by the telecommunication server "for enquiries by other users". Support for this limitation is found at paragraph 0042, lines 1-4 of the present specification.

The Examiner acknowledges in the last paragraph on page 3 of the Office Action that Kuwahara and Philips do not expressly teach making available the current operating mode data of the user terminal for inquiry by other users.

It is respectfully submitted that Sagi fails to teach or suggest the limitation of "making available the current operating mode of the user terminal for enquiries by other users", because Sagi discloses that only an IM server accesses a user profile of a message recipient after a message has been submitted by a sender. Sagi discloses a method and a communication network for routing a real-time communication message based on a subscriber profile. According to Sagi, a User A sends an instant message for User B to a WAP Gateway which

sends the instant message to an IM server (see col. 6, lines 10-13). The IM server retrieves a user profile associated with User B (col. 6, lines 13-20). Based on the retrieved profile, the IM server converts the instant message to a voice message (col. 6, lines 21-24). The converted message is then sent to the WAP Gateway, which sends the converted message to User B (col. 6, lines 24-29). Col. 6, lines 29-46 of Sagi discloses the reverse process for sending a message from User B to User A, in which the IM server checks the profile of User A. Col. 6, lines 47 to col. 7, line 5 of Sagi describes another embodiment in which User A sends an instant message including text and a GIF file; in this alternate embodiment, the IM server checks the profile of user B to determine which device of User B includes GIF as an operating format. Accordingly, Sagi discloses that only the IM server has access to the profiles of the Users A and B.

The Examiner alleges that col. 6, line 10 to col. 7, line 5 of Sagi discloses the step of "making available the current operating mode of the user terminal for enquiries by other users". However, these portions of Sagi referenced by the Examiner disclose only that an IM server checks the profile of a recipient of a message (user B) after the message is sent by a sender of the message (user A). That is, the profile of the recipient is only available to the IM server and is not available "for enquiries by other users", as is expressly recited in independent claims 1 and 19. Sagi discloses that a user profile of a message recipient is available to the IM server for use by the IM server in determining a proper format of the message for that recipient. In contrast, the claimed step of "making available the current operating mode of the user terminal for enquiries by other users" allows a sender to discreetly check the operating status of an intended recipient and decide when to initiate the communication. Since Sagi merely discloses determining a format of a message after it has been submitted to an IM server by a sender, Sagi

fails to teach or suggest "making available the current operating mode of the user terminal for enquiries by other users", as is expressly recited in independent claims 1 and 19.

In view of the above remarks, independent claims 1 and 19 are deemed to be allowable over Kuwahara, in view of Phillips and Sagi.

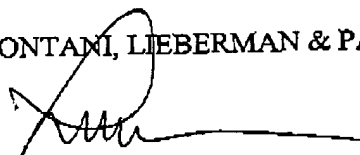
Dependent claims 2-18 and 20-25, each being dependent on one of independent claims 1 and 19, are allowable for at least the same reasons described above with respect to independent claims 1 and 19, as well as for the additional recitations contained therein.

This application is now deemed to be in condition for allowance, and early notice to that effect is earnestly solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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